

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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KENNETH HIBBLER,

Plaintiff,

v.

STATE OF NEVADA, *et al.*,

Defendants.

3:11-cv-00067-LRH-VPC

ORDER

Before this Court is the Report and Recommendation of U.S. Magistrate Judge Valerie P. Cooke (#77¹) entered on May 06, 2013, recommending denying Plaintiff's Motion for Summary Judgment (#55) filed on October 22, 2012, and granting Defendant Rexwinkel's Unenumerated 12(B) Motion to Dismiss, or in the Alternative, Motion for Summary Judgment (#56) filed on October 23, 2012. No objection to the Report and Recommendation has been filed. The action was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)B and Local Rule 1B 1-4 of the Rules of Practice of the United States District Court for the District of Nevada.

The Court has conducted its *de novo* review in this case, has fully considered the pleadings and memoranda of the parties and other relevant matters of record pursuant to 28 U.S.C. § 636 (b) (1) (B) and Local Rule IB 3-2. The Court determines that the Magistrate Judge's Report and Recommendation

¹Refers to court's docket number.

1 (#77) entered on May 6, 2013, should be adopted and accepted.

2 IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation (#77)
3 entered on May 6, 2013, is adopted and accepted, and Plaintiff's Motion for Summary Judgment (#55)
4 is DENIED.

5 IT IS FURTHER ORDERED that Defendant Rexwinkel's Unenumerated 12(B) Motion to
6 Dismiss, or in the Alternative, Motion for Summary Judgment (#56) is GRANTED.

7 IT IS FURTHER ORDERED that summary judgment shall be entered in Defendant
8 Rexwinkel's favor as to Plaintiff's First Amendment retaliation claim.

9 IT IS SO ORDERED.

10 DATED this 29th day of June, 2013.



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13 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE
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